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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,390	10/16/2003	Rolf van Haag	P24348	6679

7055 7590 01/30/2007
GREENBLUM & BERNSTEIN, P.L.C.
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RESTON, VA 20191

EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
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3726

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/30/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/30/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

10/685,390

Applicant(s)

HAAG, ROLF VAN

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-46 is/are pending in the application.
- 4a) Of the above claim(s) 2, 16 and 23-46 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-15, 17-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 11 and 14 objected to because of the following informalities: claims 11 and 14 depend upon canceled claim 10. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 3, 4, 7, 11-15, 17-20, 22 and 34** are rejected under 35 U.S.C. 102(b) as being anticipated by Chrigui (US5595117).

Chrigui teaches in figure 6: a roll jacket **9** structured and arranged to surround an interior space, an absorber arrangement **19,7,6** comprising at least one passive vibration absorber located within the interior space (col. 6, lines 14-16) and arranged to act on the roll jacket **9** in a damping manner (col. 6, line 21-26). Note that the vibration absorber is positioned in an axial direction of the roll jacket (see figure 5). Note the cup springs **11** and dampers **20** (col. 6, line 14). The vibration absorber is structured and arranged to be movable relative to the roll jacket (radially movable). The vibration absorber has an adjustable absorber frequency (col. 3, lines 42-

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45). The vibration absorber has an absorber frequency that lies below a natural frequency of the roll (col. 5, lines 1-10 and col. 7, lines 18-37 to col. 8, lines 1-10).

Regarding claim 15, in figure 3 is an alternative embodiment showing a roll shaped vibration absorber 7.

Note that with respect to the limitations such as "wherein the natural frequency is decisive of the formation of barring" and "wherein said vibration absorber has an absorber frequency that lies below a natural frequency of said roll", MPEP 2114 states:

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987) (The preamble of claim 1 recited that the apparatus was "for mixing flowing developer material" and the body of the claim recited "means for mixing ..., said mixing means being stationary and completely submerged in the developer material". The claim was rejected over a reference which taught all the structural limitations of the claim for the intended use of mixing flowing developer. However, the mixer was only partially submerged in the developer material. The Board held that the amount of submersion is immaterial to the structure of the mixer and thus the claim was properly rejected.).

The roll of Chrighi teaches each of the claimed structural features as cited above and is therefore considered to meet the functional language limitations in the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrighi.

Chrighi teaches the invention cited above with the exception of the particular vibration

absorber mass. At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have used the claimed vibration absorber mass depending upon the particular size of the roll and the amount of vibration that needs to be damped.

6. **Claims 8-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrighi in view of Kayser et al. (US6464834).

Chrighi suggests that more than one vibration absorber may be used (col. 3, lines 24-25, "at least one" dynamic damper). However, Chrighi does not give specific examples showing this.

Kayser et al. teach that a plurality of vibration absorbers could be used **9** (figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Chrighi with a plurality of absorbers distributed in the axial location, in light of the teachings of Kayser et al., in order to selectively damp vibration along the entire surface of the roll.

7. **Claim 15** is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Chrighi in view of Gerstenberger et al. (US5235909).

Chrighi teaches a spherical shaped vibration absorber **7** rather than roll-shaped.

Gerstenberger et al. teach that vibration absorbers come in different shapes including roll-shaped **9 or 20**.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Chrighi with a roll-shaped vibration absorber, in

light of the teachings of Gerstenberger et al., in order to compensate for bending vibration as well as torsional vibration (col. 1, lines 26-27 of Gerstenberger et al.).

Allowable Subject Matter

8. Claim 21 is allowed.

Response to Arguments

9. Applicant's arguments filed 10-24-06 have been fully considered but they are not persuasive.

10. Applicant argues that Chrighi does not specifically disclose that the vibration absorber has an absorber frequency that lies below a natural frequency of the roll. In response to applicant's argument that Chrighi does not teach this feature, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Chrighi teaches the same structure as recited in the claims and is capable of performing the claimed step of the vibration absorber having an absorber frequency that lies below a natural frequency of the roll because the vibration absorber of Chrighi is adjustable. Chrighi teaches in col. 6, lines 17-18, "Since its frequency of vibration can be tuned in optimum manner exactly to the natural frequency of the cylinder configuration of the print assembly 1, vibratory energy is practically completely transferred to the element 7 forming the vibrating mass.". The ability to "tune" the device clearly makes the device capable of meeting the step of setting the vibration absorber to a

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frequency that lies below a natural frequency of the roll. Furthermore, the step of tuning could make the vibration of the absorber below or above the vibration of the roll. In addition, because Chrigui specifically teaches "... is practically completely transferred...", this implies that the vibratory energy could be considered below the natural frequency of the roll because practically completely could mean not completely transferred and just below completely transferred.

11. In response to applicant's arguments against the references individually (The absorber of Kayser and Gerstenberger are active not passive like Chrigui), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

12. Rejoinder of claims will not be made at this time since the claims above are still rejected.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Interviews After Final

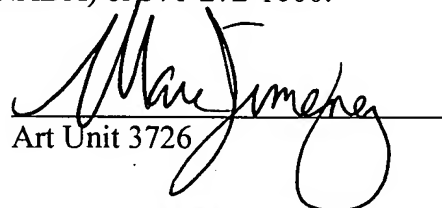
14. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing) to clarify issues for appeal requiring only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (571) 272-4530. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Marc Jimenez", is written over a horizontal line. Below the line, the text "Art Unit 3726" is printed.

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MARC JIMENEZ
PRIMARY EXAMINER

MJ
1-19-07